

REMARKS/ARGUMENTS

The Office Action of May 1, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 13, and 25 have been amended. Claims 1-31 remain in this application.

Rejections under 35 U.S.C. § 101

Claims 13-24 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

As the Examiner suggested, Applicant has amended independent claim 13 to recite a computer readable *storage* medium.

Rejections under 35 U.S.C. § 103

Claims 1-2, 4, 10, 12-14, 16, 22 and 24-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,880,768 to Lemmons (“Lemmons ‘768”) in view of U.S. Patent No. 6,754,906 to Finseth, (“Finseth”). Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons ‘768 and in view of U.S. Patent No. 5,900,915 to Morrison (“Morrison”). Claims 5 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons ‘768 in view of Finseth, and in further view of U.S. Patent No. 6,169,543 to Wehmeyer (“Wehmeyer”). Claims 6-7 and 18-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons ‘768 in view of Finseth, and in further view of U.S. Patent No. 6,481,011 to Lemmons (“Lemmons ‘011”). Claims 8-9 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons ‘768 in view of Finseth, and in further view of Lemmons ‘011 and in further view of U.S. Patent No. 6,732,367 to Ellis (“Ellis”). Claims 11 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemmons ‘768 in view of Finseth, and in further view of U.S. Patent No. 6,925,650 to Aresnault, (“Arsenault”). Applicant respectfully traverses these rejections.

Independent claims 1 and 13 and Dependent Claims 2, 4, 10, 12, 14, 16, 22, and 24

The Office Action alleges that a combination of Lemmons '768 and Finseth teaches or suggests all the features of claims 1 and 13. The Action relies on Lemmons '768 to show "determining a number of block instances available to a viewer in an interactive ... programming guide (IPG); determining a number of available information attribute sets to be presented to the viewer; mapping the available information attribute sets to the number of available block instances to generate mapped block instances; and displaying the mapped block instances contiguously," and relies on Finseth to show, "three-dimensional programming guide (IPG)."

Amended claims 1 and 13 recite, among other features, comparing the number of block instances with the number of available information attribute sets; based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances. Applicant submits neither Lemmons '768 nor Finseth, alone or in combination, teaches or suggests features of claims 1 and 13.

The Action points to a subset of program schedule information in the cited portion of Lemmons '768 (col. 8, lines 58-61) to show available information attribute sets, as recited in claims 1 and 13. Further, the Action points to cells of the program grid in the cited portions of Lemmons '768 (fig. 3 and col. 8, line 63-col. 9, line 6) to show block instances, as recited in claims 1 and 13. However, the cited portions of Lemmons '768 (col. 8, lines 58-61; fig. 3; col. 8, line 63-col. 9, line 6) merely describe displaying information on a program guide screen, which is divided into time cells and a date cell, and a program grid displays a subset of the program schedule information based on time and date of the program. Notably, neither the cited portions, nor any other portion of Lemmons '768 teaches or suggests comparing the number of block instances with the number of available information attribute sets; based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances, as recited in claims 1 and 13.

Finseth (col. 12, lines 29-65) describes a channel list receiver using organizational categories and structures to determine which program objects will be used to fill in its template for electronic program guide and an electronic information guide displaying program information which falls under a broad organization category and further organizes the

information using sub-categories, wherein the information is then displayed to the user by spatially arranging the organizational topics and/or program information. There is no teaching or suggestion in Finseth of comparing the number of block instances with the number of available information attribute sets. Nor is there a teaching or suggestion of, based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances, as recited in claims 1 and 13.

Clearly, Lemmons '768 and Finseth, either alone or in combination, are wholly devoid of any teaching or suggestion of, comparing the number of block instances with the number of available information attribute sets and based on the comparison, mapping the available information attribute sets to the number of available block instances to generate mapped block instances, as recited in claims 1 and 13. Claims 2, 4, 10, and 12, which depend from claim 1, and claims 14, 16, 22, and 24, which depend from claim 13, are patentably distinguishable from the combination of Lemmons '768 and Finseth for at least the same reasons as their respective base claims and further in view of the additional novel features recited therein.

For example, regarding claims 4 and 16, the Action relies on Lemmons '768 (col. 7, lines 49-51) to show wherein when the number of available information attributes is less than the number of block instances, one or more block instances is not visible to the viewer, as recited in claims 4 and 16. Applicant submits that Lemmons '768 fails to teach or suggest anything remotely close to this feature of claims 4 and 16. The recited portions of Lemmons '768 (col. 7, lines 49-51) merely describe that upon receiving a command, a control unit, which stores the program guide schedule information in a memory, retrieves at least a portion of the program guide schedule from memory, wherein the "[p]rogram schedule information includes at least program channels, titles, and telecast times and may include also program descriptions, telecast call signs, themes, and other information that may be used to classify programs into one or more categories." (Lemmon '768: col. 6, lines 13-16). Notably, the cited portion of Lemmons '768 merely describes that upon receiving a command, some of the program schedule information that is not received remain in the memory, and does not describe anything about block instances as recited in claims 4 and 16. As such, Lemmons '768 fails to teach or suggest "when the number of available information attributes is less than the number of block instances, one or more block

instances is not visible to the viewer.” Finseth fails to remedy these deficiencies of Lemmons ‘768. Therefore, Lemmons ‘768 and Finseth, either alone or in combination, fail to teach or suggest the recited features of claims 4 and 16.

Dependent claims 3 and 15

Even assuming, without admitting, that the combination of Lemmons ‘768 and Morrison is proper, the addition of Morrison fails to remedy the deficiencies of Lemmons ‘768 described above with respect to claims 1 and 13 (from which claims 3 and 15 depend, respectively). For example, the Action concedes that the combination of Lemmons ‘768 fails to teach or suggest when the number of available information attributes is less than the number of block instances, two or more block instances are mapped with the same information attributes as recited in claims 3 and 15, but relies on Morrison to show this feature.

Applicant, however, submits that Morrison fails to teach or suggest this feature as recited in claims 3 and 15. The recited Fig. 5 relied on by Morrison illustrates a title “Terminator 2: Judgement Day,” in HDTV mode occupying four channels on an electronic program guide, which is a result of transitioning from HDTV programming to an SDTV programming requiring less bandwidth for its signals. Notably, the four channels, 105A-105D, occupies the title, “Terminator 2: Judgement Day,” not because the number of available information attributes is less than the number of block instances, but as a result of transition from a HDTV to SDTV programming, wherein “[b]ecause the bandwidth required for HDTV signals is greater than for SDTV signals, the bandwidth allocated for a typical channel can accommodated one HDTV program or a plurality of SDTV programs.” (Morrison col. 1, lines 62-27). (See for example, Morrison col. 3 lines 16-34).

Even assuming, without admitting, that the combination of Lemmons ‘768 and Morrison is proper, Morrison fails to remedy the deficiencies of Lemmons ‘768 described above with respect to claims 1 and 13 (from which claims 3 and 15 depend, respectively). Therefore, claims 3 and 15 are patentably distinct from the combination of Lemmons ‘768 and Morrison for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Dependent claims 6-7 and 18-19

Even assuming, without admitting, that the combination of Lemmons '768, Finseth and Lemmons '011 is proper, Lemmons '011 fails to remedy the deficiencies of Lemmons '768 and Finseth described above with respect to claims 1 and 13 (from which claims 6-7 and 18-19 depend, respectively). Therefore, claims 6-7 and 18-19 are patentably distinct from the combination of Lemmons '768, Finseth and Lemmons '011 for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Dependent claims 5 and 17

Even assuming, without admitting, that the combination of Lemmons '768, Finseth and Wehmeyer is proper, the addition of Wehmeyer fails to remedy the deficiencies of Lemmons '768 and Finseth described above with respect to claims 1 and 13 (from which claims 5 and 17 depend, respectively). Therefore, claims 5 and 17 are patentably distinct from the combination of Lemmons '768, Finseth and Wehmeyer for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Dependent claims 6-7 and 18-19

Even assuming, without admitting, that the combination of Lemmons '768, Finseth and Lemmons '011 is proper, Lemmons '011 fails to remedy the deficiencies of Lemmons '768 and Finseth described above with respect to claims 1 and 13 (from which claims 6-7 and 18-19 depend, respectively). Therefore, claims 6-7 and 18-19 are patentably distinct from the combination of Lemmons '768, Finseth and Lemmons '011 for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Dependent claims 8-9 and 20-21

Even assuming, without admitting, that the combination of Lemmons '768, Finseth, Lemmons '011, and Ellis is proper, Lemmons '011 and Ellis, either alone or in combination fail

to remedy the deficiencies of Lemmons '768 and Finseth described above with respect to claims 1 and 13 (from which claims 8-9 and 20-21 depend, respectively). Therefore, claims 8-9 and 20-21 are patentably distinct from the combination of Lemmons '768, Finseth, Lemmons '011 and Ellis for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Dependent claims 11 and 23

Even assuming, without admitting, that the combination of Lemmons '768, Finseth and Arsenault is proper, Arsenault fails to remedy the deficiencies of Lemmons '768 and Finseth described above with respect to claims 1 and 13 (from which claims 11 and 23 depend, respectively). Therefore, claims 11 and 23 are patentably distinct from the combination of Lemmons '768, Finseth and Arsenault for at least the same reasons as claims 1 and 13, respectively, and further in view of the novel and non-obvious features recited therein.

Independent claim 25 and dependent claims 26-31

The Office Action alleges that a combination of Lemmons '768 and Finseth teaches or suggests the features of claim 25. The Action relies on Lemmons '768 to show "a processor; and a memory coupled with the processor, the memory operable to include a first queue to store active data elements and a second queue to store inactive data elements, wherein the active data elements are displayed in visible block instances in an interactive ... programming guide (IPG), and wherein the visible block instances are displayed contiguously," and relies on Finseth to show "block instances in an interactive three-dimensional programming guide (IPG)."

Amended claim 25 recites, among other features, "a number of block instances are compared with a number of available data elements, and wherein based on the comparison, the active data elements are displayed in visible block instances in an interactive three-dimensional programming guide (IPG)." Applicant submits that Lemmons '768 fails to teach or suggest these features of amended claim 25.

The cited portion of Lemmons '768 (col. 7, lines 49-62) merely describes a memory for storing program schedule information, and upon command, a control unit retrieves the program

schedule information from the memory for display. Notably, the cited portion of Lemmons '768 does not teach or even suggest a number of block instances are compared with a number of available data elements as recited in claim 25. Nor does the cited portion of Lemmons '768 teach or suggest that based on the comparison, the active data elements are displayed in visible block instances in an interactive three-dimensional programming guide (IPG) as also recited in claim 25.

Thus, Lemmons '768 fails to teach or suggest "a number of block instances are compared with a number of available data elements, and wherein based on the comparison, the active data elements are displayed in visible block instances in an interactive three-dimensional programming guide (IPG)." (Emphasis added).

Finseth fails to remedy the deficiencies of Lemmons '768 discussed above. Therefore, a combination of Finseth and Lemmons '768 fails to teach or suggest the features recited in claim 25. Claims 26-31, which depend from claim 25 are patentably distinguishable from the combination of Lemmons '768 and Finseth for at least the same reasons as their ultimate base claim and further in view of the additional advantageous features recited therein.

CONCLUSION

The Commissioner is authorized to debit Deposit Account 19-0733 the amount of \$1020 for a three-month extension of time. It is believed that no additional fees are required for this submission. If any additional fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit the same Deposit Account, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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